

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:10-cr-254

v.

HON. JANET T. NEFF

EDGAR D. TORRES DE LA MORA,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Edgar D. Torres De La Mora has filed a motion for modification or reduction of sentence (Dkt 246) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 277), and a Response has been filed by Defendant (Dkt 281), and the Government (Dkt 282).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 277) and the Defendant's and Government's Responses (Dkts 281 and 282), the Court has determined that the defendant is

ineligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 246) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED for the reasons set out in the Government's response brief (Dkt 282).

DATED: January 6, 2016

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge